

ESTTA Tracking number: **ESTTA290583**

Filing date: **06/18/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189419
Party	Plaintiff Duramax Marine, LLC
Correspondence Address	D. Peter Hochberg D. Peter Hochberg Co., L.P.A. 1940 East 6th St. - 6th Floor Cleveland, OH 44114 UNITED STATES smellino@dpeterhochberg.com
Submission	Withdrawal of Opposition
Filer's Name	Sean F. Mellino
Filer's e-mail	dphdocket@dpeterhochberg.com, smellino@dpeterhochberg.com
Signature	/Sean F. Mellino/
Date	06/18/2009
Attachments	doc20090618145246.pdf (2 pages)(53173 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/575,106, filed September 21, 2008
Mark: "DURACOOOL" in International Class 16
Applicant: International Paper Company
Published in the *Official Gazette* of February 10, 2009 at page TM 655

_____)	
DURAMAX MARINE, LLC)	
)	
Opposer,)	
)	
vs.)	Opposition No. 91189419
)	
INTERNATIONAL PAPER COMPANY)	
)	
Applicant.)	
_____)	

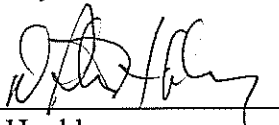
UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

WITHDRAWAL AND DISMISSAL OF OPPOSITION WITHOUT PREJUDICE

Opposer DURAMAX MARINE, LLC ("Duramax Marine"), by its undersigned attorney, hereby withdraws the present Opposition No. 91189419, pursuant to Trademark Rule 2.106(c), 37 C.F.R. § 2.106(c), without prejudice. Each party shall bear its own costs and attorney's fees and both parties waive all rights of appeal.

Respectfully submitted,

Date: June 18, 2009

By: 
D. Peter Hochberg
D. Peter Hochberg Co., L.P.A.
1940 East 6th St. – 6th Floor
Cleveland, OH 44114
Attorney for Opposer

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that the REQUEST FOR VOLUNTARY WITHDRAWAL OF OPPOSITION is being deposited electronically with the United States Patent and Trademark Office – Trademark Trial and Appeal Board via its Electronic System for Trademark Trials and Appeals (ESTTA) service, and by First Class mail, postage prepaid, to counsel for Applicant, Thomas W. Ryan, Senior Counsel-Intellectual Property, International Paper Company, 6285 Tri Ridge Blvd., Loveland, OH 45140-8318 on June 18, 2009.

Date: June 18, 2009



Sean Mellino